

U.S. Appln. No. 09/899,767
Response and Amendment dated June 3, 2004
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REMARKS

Claim 1 and 13 were amended to clarify that the catalyst mask is a separate feature of the invention and to clarify what is being masked by the catalyst mask. No new matter has been added as shown on page 9 paragraph 26 lines 15-18; page 11 paragraph 29 lines 5-17, page 14 paragraph 29 lines 4-7, page 15 paragraph 35 lines 4-5 of applicants' specification, and FIG. 1 reference number 20. Claim 8 was amended was to clarify the location of the reagent mask, and new Claims 33 and 34 were added to clarify the location of the reagent mask when the diffuser or seals are also present. No new matter has been added as shown on page 9 paragraph 26 lines 5-7 and 12-14, and page 10 paragraph 28 lines 11-24 of applicants' specification and FIG. 1 reference number 12.

Claims 1-16 stand rejected under 35 U.S.C. § 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter applicant regards as the invention. Specifically, the Official Office Action states that it is unclear as to whether the catalyst mask is an inherent feature of the support or a separate element, what is being masked by the catalyst mask, and what is the location of the reagent mask when the diffuser or the seals are present. Claim 1 and Claim 8 have been amended, and new claims 33 and 34 have been added in order to provide clarity. No new matter has been added. With the rejection under 35 U.S.C. § 112, second paragraph being cured, applicants respectfully request that the rejection be withdrawn.

Claims 1, 10, 12, and 13 stand rejected under 35 U.S.C. § 102(b) as being anticipated by U.S. 5,683,829. The reference discloses an electrode comprising sintering carbon black together with carbon black particles covered with a catalyst resulting in a porous network carbon paper. The amendment to applicants' claim 1 clarify that the catalyst mask is an independent feature of the invention, and therefore the porous network of catalyst of the '829 reference fails to anticipate applicants' invention. Applicants respectfully request that the rejection be withdrawn.

Claims 1, 6-7, 13, and 16 are rejected under 35 U.S.C. § 102(e) as being anticipated by U.S. 6,187,164. Again the reference fails to disclose the catalyst mask as defined in applicants' amended claim 1. The contact pads ('164 reference no. 122) of the reference fails to anticipate applicants' catalyst mask as an independent feature of the invention having material removed to form holes wherein the holes are in alignment with

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the multiple location for supporting solids of the catalyst array support and defining an unobstructed area above each location for supporting solids and masking the remainder of the catalyst array support. Applicants respectfully request that the rejection be withdrawn.

Claims 1-4, 6-10, 12-14, and 16 are rejected under 35 U.S.C. § 102(e) as being anticipated by U.S. 6,528,191 B1. The cited reference fails to disclose the catalyst mask having material removed to form holes wherein the holes are in alignment with the multiple location for supporting solids of the catalyst array support and defining an unobstructed area above each location for supporting solids and masking the remainder of the catalyst array support as defined by applicants' amended claims. The graphitic-carbon paper diffusion layers ('191 reference no. 186) of the reference does not anticipate the independent catalyst mask as defined by the amended claims. Applicants respectfully request that the rejection be withdrawn.

Applicants' claim 1 stands rejected under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claims 1-3, 8, and 10 of U.S. 6,692,856 B2. Applicants traverse the rejection and assert the rejection is improper. The cited reference does not have the same inventive entity as the present application and the cited reference has a priority date later than the priority date of the present application. Therefore, the cited reference is not prior art and the rejection is improper. Applicants request that the rejection be withdrawn.

Accordingly, in view of the above amendments and remarks, this application is now believed to be in a condition for an allowance of all pending claims and such action is respectfully requested.

Respectfully submitted,



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